

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

HAROLD KELLEY, JR. §
V. § CIVIL ACTION NO. 9:05CV243
UNITED STATES OF AMERICA §

PARTIAL ORDER OF DISMISSAL

Came on for consideration the above-referenced civil action, this Court having heretofore ordered that this matter be referred to the United States Magistrate Judge for proper consideration. Having received the report of the United States Magistrate Judge pursuant to its order, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore,

ORDERED that Petitioner's challenge to the district court's calculation of his sentence is hereby **DISMISSED** with prejudice from the docket of this Court. Petitioner shall be allowed to proceed with his challenge to the Bureau of Prisons' failure to credit him with pre-sentence credit from March 12, 2004, until September 23, 2004.

So **ORDERED** and **SIGNED** this **20** day of **March, 2006**.



Ron Clark, United States District Judge